



EUROPEAN COMMISSION

Competition DG

The Director General

Brussels,  
COMP/HRC/SIE

Mr Varg FOLKMAN

By e-mail

**Subject: EASE 2023/5551– Your request of 25 September 2023 for access to documents pursuant to Regulation (EC) No. 1049/2001 relating to staff allocated to the implementation of the Foreign Subsidies Regulation within DG Competition**

Dear Sir,

Thank you for your message of 25 September 2023, registered on the same day under the above-mentioned reference number, in which you request access to documents in accordance with Regulation (EC) No. 1049/2001<sup>1</sup> ("Regulation 1049/2001").

#### **1. DOCUMENTS CONCERNED**

In your message, you request access to documents which contain the staff allocated as of 25 September 2023 to enforce the Foreign Subsidies Regulation, plans how many staff will be allocated as well as documents showing “the names and positions of the staff currently employed to enforce the Foreign Subsidies Regulation at DG COMP”.

There are currently 7 staff members allocated to the Task Force Foreign Subsidies Regulation.

We enclose a copy of the Organisation chart of DG Competition, identifying the officer performing the role of Head of Unit COMP.A.5 to which the Task Force Foreign Subsidies Regulation is currently attached.

With regard to plans how many staff will be employed to enforce the Foreign Subsidies Regulation at DG COMP, the Commission continues its efforts to expand the resources working on this important initiative, also thanks to the support of Seconded National Experts from Member States. As discussions are ongoing, I am not able to provide you with further details.

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<sup>1</sup> Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents, OJ L145 of 31.5.2001, p. 43

Beyond that, having carefully examined your request in the light of Regulation 1049/2001, I have come to the conclusion that the list of other officers working in the Task Force Foreign Subsidies Regulation falls under the exceptions of Article 4 of Regulation 1049/2001. Access to that list, therefore, has to be refused. Please find below the detailed assessment as regards the application of the exceptions of Article 4 of Regulation 1049/2001.

## **2. APPLICABLE EXCEPTION**

*Article 4(1)(b): protection of privacy and the integrity of the individual*

Pursuant to Article 4(1)(b) of Regulation 1049/2001 the Commission shall refuse access to a document where disclosure would undermine the protection of the privacy and integrity of the individual, in particular in accordance with Union legislation regarding the protection of personal data. The relevant legislation in this case is Regulation 1725/2018<sup>2</sup> which specifically applies to the Union institutions, bodies, offices and agencies when they process personal data.

With regard to the identity of the names and positions of the staff currently employed to enforce the Foreign Subsidies Regulation at DG COMP not included in the public version of the Organisation chart of DG Competition, disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individuals outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain personal data.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data requested, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

## **3. PARTIAL ACCESS**

After careful examination of the request, I concluded that only the public version of the Organisation chart of DG Competition would not be covered by any exception. A copy of the Organisation chart of DG Competition is therefore enclosed.

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<sup>2</sup> Regulation (EU) No 1725/2018 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, OJ L 295 of 21.11.2018, p. 39-98.

#### 4. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it

**via your EASE portal<sup>3</sup> account.**

**or by email, to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)**

Yours faithfully,

(e-signed)  
Olivier GUERSENT

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<sup>3</sup> <https://www.ec.europa.eu/transparency/documents-request>